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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2009-36

13 KIMBERLY THOMAS CORBETT
2281 Williams Street
14 Long Beach, CA 90810

A C C U S A T I O N

15 Registered Nurse License No. 504407

16 Respondent.

17 Complainant alleges:

PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 (Board), Department of Consumer Affairs.

21 2. On or about September 23, 1994, the Board of Registered Nursing issued
22 Registered Nurse License No. 504407 to Kimberly Thomas Corbett (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and expired on December 31, 2007.

JURISDICTION

25 3. This Accusation is brought before the Board, under the authority of the
26 following laws. All section references are to the Business and Professions Code unless otherwise
27 indicated.
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5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

7. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use

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1 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
2 license.

3 “(c) Be convicted of a criminal offense involving the prescription, consumption,
4 or self-administration of any of the substances described in subdivisions (a) and (b) of this
5 section, or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.

8 8. Section 490 of the Code states:

9 “A board may suspend or revoke a license on the ground that the licensee has
10 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
11 duties of the business or profession for which the license was issued. A conviction within the
12 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
13 contendere. Any action which a board is permitted to take following the establishment of a
14 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
15 been affirmed on appeal, or when an order granting probation is made suspending the imposition
16 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
17 Penal Code.”

18 9. California Code of Regulations, title 16, section 1444 states:

19 “A conviction or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
21 present or potential unfitness of a registered nurse to practice in a manner consistent with the
22 public health, safety, or welfare.”

23 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
24 request the administrative law judge to direct a licentiate found to have committed a violation or
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
26 and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of a Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under section 2761,
4 subdivision (f), and 490 of the Code, as defined in California Code of Regulations, title 16,
5 section 1444, in that Respondent has been convicted of crimes substantially related to the
6 qualifications, functions or duties of a registered nurse, as follows:

7 a. On or about October 7, 2005, Respondent was convicted concurrently by
8 the court on a plea of no contest for violating one count of Vehicle Code section 23152,
9 subdivision (a), a misdemeanor (driving under the influence of alcohol/drugs), in the Superior
10 Court of California, County of San Diego, Central Division, Case Numbers M963051 and
11 M964336 entitled *The People of the State of California v. Kimberly Thomas Corbett*.

12 b. The circumstances surrounding the conviction are that on or about April
13 17, 2005, Respondent was arrested by the California Highway Patrol for Driving Under the
14 Influence of Alcohol/Drugs. On or about May 5, 2005, Respondent was the driver of a vehicle
15 involved in a collision. Respondent was under the influence of an alcoholic intoxicant and
16 unable to safely operate a motor vehicle and placed under arrest.

17 c. On or about April 21, 2006, Respondent was convicted by the court on a
18 plea of nolo contendere for violating one count of Penal Code section 647, subdivision (f), a
19 misdemeanor (public intoxication: drugs/alcohol), in the Superior Court of California, County of
20 Los Angeles, Long Beach Judicial District, Case No. D279605 entitled *The People of the State of*
21 *California v. Kimberly Thomas Corbett*.

22 d. The circumstances surrounding the conviction are that on or about April
23 20, 2006, Respondent was observed by police officers, while in a public place, to be under the
24 influence of an intoxicating beverage, in such a condition that she was unable to care for her own
25 safety.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent's license is subject to disciplinary action under section 2761,
4 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in section
5 2762, subdivision (b), in that on or about April 20, 2006, Respondent used alcoholic beverages to
6 an extent or in a manner dangerous or injurious to herself and the public, as set forth in paragraph
7 11 above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction Involving the Consumption of Alcohol)**

10 13. Respondent's license is subject to disciplinary action under section 2761,
11 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in section
12 2762, subdivision (c), in that on or about April 21, 2006, Respondent was convicted of a crime
13 involving the consumption of alcohol, as set forth in paragraph 11 above.

14 **PRAYER**

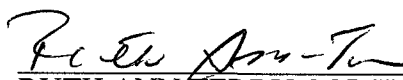
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License No. 504407, issued to
18 Kimberly Thomas Corbett.

19 2. Ordering Kimberly Thomas Corbett to pay the Board of Registered
20 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
21 Business and Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 8/12/08

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26 RUTH ANN TERRY, M.P.H., R.N.
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant